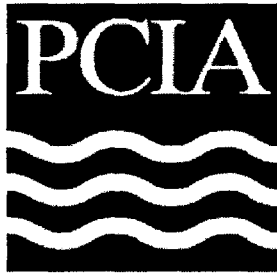


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**Personal
Communications
Industry
Association**

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January 29, 1999

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

BY HAND

Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
1919 M Street, N.W., 2nd Floor
Washington, D.C. 20554

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Re: CC Docket 95-116: Telephone Number Portability

Dear Ms. Salas:

Pursuant to recent discussions with Commission staff, this *ex parte* communication is intended to supplement the record in the referenced proceeding regarding number optimization measures and their impact on the wireless industry. The Commission's desire for additional dialogue on this issue is most welcome. The conservation and utilization of numbering resources is a top priority of the wireless industry in this era of rapid telecommunications expansion.

To the extent the Commission is now considering in this docket a request for forbearance for wireless carriers from number portability obligations, industry members are committed to assuring the Commission of their role as good numbering citizens. The industry is currently undertaking surveys and research to produce empirical data for the record that supports a conclusion that forbearance from number portability obligations is not only practical, but also good public policy.

Like many others in the industry, Personal Communications Industry Association ("PCIA") believes the FCC should focus on optimization methods that will break the cycle of constant NPA jeopardy and remedy the never ending NPA relief planning to which the industry is currently subject. Enclosed with this document is a copy of PCIA's December 21, 1998 comments on the North American Numbering Council ("NANC") Report concerning telephone number pooling and other optimization measures.¹ These comments underscore the importance

¹ See *Number Resource Optimization Working Group Modified Report to the North American Numbering Council on Number Optimization Methods* (Oct. 21, 1998) ("NANC

Ms. Magalie Roman Salas

January 29, 1999

Page 2

of the federal government exerting a strong and unifying role in the implementation of optimization measures to ensure that numbering resources are being consistently conserved without undermining competitive parity.

PCIA's members have undertaken research to produce for the Commission a complete and accurate picture of the actual number utilization of wireless industry members in the top 100 MSAs. The industry believes that production of these numbers will help to illustrate the important role wireless services play in the telecommunications marketplace and will demonstrate that, contrary to some inaccurate perceptions, the wireless industry efficiently uses the numbers and codes allocated to it.

The Commission has determined that area code relief plans must encourage entry into the telecommunications marketplace by making numbering resources available on an efficient and timely basis to all carriers. PCIA agrees. Unfortunately, most optimization options presented to date will not address the underlying cause of these problems, an antiquated rate center based system that at best contributes to and at worst exacerbates the scarcity of available numbers in calling areas around the country.

PCIA believes that if implemented on a voluntary basis, extended local calling areas ("ELCAs") are a competitively neutral means of number optimization. The FCC must ensure, however, that local exchange carriers do not over-charge carriers for utilizing ELCAs. In addition, while inconsistent rate centers ("IRCs") have the advantages of conserving numbers and allowing carriers to create consumer-friendly calling areas, the Commission must ensure that competitive local exchange providers do not misuse IRCs to create their own private number pools.

PCIA endorses the non-LNP based optimization measures discussed in the *NANC Report*. They are competitively neutral and efficient. Mandatory ten-digit dialing is one such method that should be instituted because it will free protected NXX codes for use, and has already been implemented in several states. In addition, modification of the central office code assignment guidelines will lead to the more efficient use of numbering resources without discriminating against particular carriers or a class of carriers.

While the association is committed to collecting and producing empirical data to aid the Commission in its present deliberations, PCIA believes that ultimately an FCC rule is needed to govern the collection of numbering resource data.

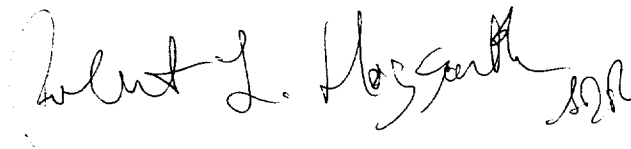
Report"); Public Notice, *Common Carrier Bureau Seeks Comment on North American Numbering Council Report Concerning Telephone Number Pooling and Other Optimization Measures*, NSD File No. L-98-134 (rel. Nov. 6, 1998).

Ms. Magalie Roman Salas
January 29, 1999
Page 3

It is our understanding that other industry members and representatives have also been asked to submit additional thoughts and suggestions in the record of this proceeding. To the extent that some of the information needed to complete the reports to be prepared by PCIA will not be forthcoming for several weeks, PCIA intends to review and comment on the salient points expressed by other commenters.

Pursuant to Section 1.206 of the Commission's rules, an original and two copies of this letter and its attachment are being filed with the Secretary's office. We will continue to engage Commission staff on this important industry issue. Please contact either of the undersigned at 703-739-0300 if you have additional comments or questions on this submission.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Robert L. Hoggarth", followed by a stylized monogram or initials "RHL".

Personal Communications Industry Association
Robert L. Hoggarth
Cathy Handley

Enclosure: PCIA's Comments on NSD File No. L-98-1345 (DA 98-2265)

cc with enclosure: Mr. Yog Varma, Deputy Chief, CCB
Mr. Jim Schlichting, Deputy Chief, WTB
Ms. Jeanine Poltronieri, Senior Counsel, WTB
Mr. David Furth, Attorney Advisor, WTB
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Ms. Anna Gomez, Network Services Division, CCB
Ms. Gayle Radley Teicher, Attorney Advisor, Network Services Division,
CCB

DUPLICATE

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

Public Notice)

Common Carrier Bureau Seeks Comment on)
North American Numbering Council Report Concerning)
Telephone Number Pooling and Other)
Optimization Measures)

NSD File No. L-98-1345
DA 98-2265

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FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C.

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December 21, 1998

Doc. No. 694127

SUMMARY

PCIA endorses the Commission's efforts to optimize the use of telephone numbers within the United States. In encouraging the conservation of telephone numbers, however, the Commission must ensure that all carriers have full and fair access to numbering resources, which are an essential ingredient of a well functioning telecommunications marketplace. Such unfettered access will encourage competition among providers of telecommunications services, thereby providing the American public with a greater choice of lower priced services.

Against this background, if the Commission chooses to implement an optimization measure that depends on local number portability ("LNP"), it must assure that non-LNP-capable carriers—such as wireless providers—have the same access to numbering resources as LNP-capable carriers. Such action is consistent with the Commission's previous determination that area code relief plans must encourage entry into the telecommunications marketplace by making numbering resources available on an efficient and timely basis to all carriers.

Regarding conservation measures that affect local calling areas, PCIA believes that if implemented on a voluntary basis, extended local calling areas ("ELCAs") are a competitively-neutral means of number optimization. The FCC must ensure, however, that LECs do not over-charge carriers for utilizing ELCAs. In addition, while inconsistent rate centers ("IRCs") have the advantage of conserving numbers and allowing carriers to create consumer-friendly calling areas, the Commission must ensure that CLECs do not misuse IRCs to create their own private number pools.

Further, beyond the fact that they are suspect from a competitive point of view, PCIA harbors a number of practical concerns regarding LRN-based optimization measures. First, because there are a significant number of carriers that might never be LRN-capable, such

measures might not conserve as many numbers as the Commission hopes. Second, the costs of implementing individual number ("ITN") pooling, which is technologically complex, might well outweigh its benefits. This is especially true given that ITN offers few advantages when compared to thousands-block pooling. Third, unassigned number porting should not be implemented because it will only be used in extreme jeopardy situations, it encourages the "mining" of numbers, it rewards carriers that utilize their numbers inefficiently, and it will only be effective if a large number of providers participate in its implementation.

PCIA does, however, support the implementation of non-LNP-based optimization measures as competitively neutral and efficient. Mandatory ten-digit dialing is one such method that should be instituted because it will free protected NXX codes for use, and has already been implemented in some states. In addition, modification of the central office code assignment guidelines will lead to the more efficient use of numbering resources without discriminating against particular carriers or a class of carriers.

Finally, the Commission should improve data collection on numbering resources while protecting carrier confidentiality. Such confidentiality is essential, given the competitive importance of information regarding number usage. The Commission should also develop new definitions of terms relating to number utilization for geographic telephone numbers and not rely on the definitions previously developed in the toll free context.

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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

Public Notice)	
)	
Common Carrier Bureau Seeks Comment on)	NSD File No. L-98-1345
North American Numbering Council Report Concerning)	DA 98-2265
Telephone Number Pooling and Other)	
Optimization Measures)	

**COMMENTS OF THE PERSONAL
COMMUNICATIONS INDUSTRY ASSOCIATION**

The Personal Communications Industry Association ("PCIA"),¹ by its attorneys, hereby respectfully submits its comments on the Commission's *Public Notice* in the above-captioned proceeding.² As described in greater detail below, while PCIA supports the optimization of numbering resources, the Commission must ensure in implementing any such measures that all carriers have unfettered access to an adequate supply of telephone numbers with which to serve their customers.

¹ PCIA is an international trade association established to represent the interests of both the commercial and private mobile radio service communications industries and the fixed broadband wireless industry. PCIA's Federation of Councils includes: the Paging and Messaging Alliance, the Broadband PCS Alliance, the Site Owners and Managers Association, the Association of Wireless Communications Engineers and Technicians, the Private Systems Users Alliance, the Mobile Wireless Communications Alliance, and the Wireless Broadband Alliance. As the FCC-appointed frequency coordinator for the 450-512 MHz bands in the Business Radio Service, the 800 MHz and 900 MHz Business Pools, the 800 MHz General Category frequencies for Business Eligibles and conventional SMR systems, and the 929 MHz paging frequencies, PCIA represents and serves the interests of tens of thousands of FCC licensees.

² Public Notice, *Common Carrier Bureau Seeks Comment on North American Numbering Council Report Concerning Telephone Number Pooling and Other Optimization Measures*, NSD File No. L-98-134 (rel. Nov. 6, 1998) ("Public Notice").

I. INTRODUCTION

PCIA and its wireless carrier members support number conservation and optimization for the reasons set forth in the *NANC Report*.³ In particular, number conservation measures will: (1) help to delay the introduction of new NPAs, thereby preventing customers from being inconvenienced by constantly changing telephone numbers; (2) save carrier resources by avoiding network upgrades; and (3) conserve FCC and state public utility commission resources by preventing the regulatory wrangling that inevitably accompanies the opening of new area codes.

In reviewing any proposed number optimization measure, however, the Commission must ensure that all industry segments have full and fair access to telephone numbers. The Commission should further be careful not to impose undue costs on specific end-users or carriers, particularly when no quantifiable evidence of the benefits of a particular measure have been provided. Therefore, carriers should not be required to undergo the expense of modifying networks and their associated support systems in order to implement a number conservation measure simply because the measure *might* prove to be of benefit to the public. Rather, these putative benefits must be carefully quantified and balanced against the optimization measure's costs prior to ~~requiring~~ the telecommunications industry to implement such a program.

³ *Number Resource Optimization Working Group Modified Report to the North American Numbering Council on Number Optimization Methods* (Oct. 21, 1998) ("*NANC Report*").

II. ANY OPTIMIZATION MEASURES MUST ENSURE THAT ALL INDUSTRY SEGMENTS, REGARDLESS OF THE TECHNOLOGIES THEY USE, HAVE FULL AND EQUAL ACCESS TO NUMBERING RESOURCES

In the *Public Notice*, the Commission sought comment on "the possible competitive effects, whether they enhance competition among service providers or discourage competition, of the various number usage optimization measures proposed in the *NANC Report*."⁴ As the *NANC Report* recognizes, wireless carriers are not currently LNP-capable,⁵ and therefore cannot obtain numbers pursuant to a number conservation method that relies on LNP. Because telecommunications carriers need telephone numbers in order to serve their customers, if an LNP-dependent conservation method is implemented in a particular area, non-LNP-capable carriers must have equal access to numbering resources that are equal in competitive quality to the numbers obtained by LNP-capable carriers. Therefore, LNP-dependent optimization methods are acceptable only if they: (1) are technology neutral; and (2) do not deprive non-LNP capable carriers of numbering resources.

As PCIA has stated previously, telephone numbers are one of the essential ingredients of a well functioning telecommunications marketplace,⁶ without which no carrier can provide

⁴ *Id.* at 10.

⁵ Assuming the FCC does not forbear from imposing number portability obligations on wireless providers, broadband CMRS providers will not be required to offer service provider portability until March 31, 2000. *Telephone Number Portability*, CC Docket No. 95-116, FCC 98-82, n.66 (May 12, 1998) (Third Report and Order). See also *Telephone Number Portability*, CC Docket No. 95-116, DA 98-1763 (Sept. 1, 1998) (Memorandum Opinion and Order).

⁶ The lack of fair access to telephone numbers will artificially increase the price of telecommunications services by limiting inter-carrier competition.

service to its customers.⁷ Full and fair access to telephone numbers is thus critical to consumer satisfaction and the ability of telecommunications carriers to serve their customers' needs. This is particularly true in the wireless industry, where there is substantial continued demand for new telephone numbers, and new carriers often compete against incumbent providers that already have a large customer base. Without non-discriminatory access to telephone numbers, wireless carriers will be handicapped in their ability to contract with new subscribers and service the needs of existing subscribers. Under such circumstances, wireless carriers will quickly feel the adverse economic effects of the inadequate access to numbering resources and customers will lose a measure of competition within the marketplace.

The Commission has recognized the competitive importance of the unfettered availability of telephone numbers in one of its most recent numbering orders. Specifically, the *Pennsylvania Order* states that area code relief plans must "facilitate entry into the telecommunications marketplace by making numbering resources available on an efficient and timely basis to carriers."⁸ The *Pennsylvania Order* is similarly direct when it comes to prohibiting

⁷ See PCIA Comments on FCC Public Notice, "Connecticut Department of Public Utility Control Files Petition for Rulemaking, Public Comment Invited," DA 98-743 (filed May 7, 1998).

⁸ *Petition for Declaratory Ruling and Request for Expedited Action on the July 15, 1997 Order of the Pennsylvania Public Utility Commission Regarding Area Codes 412, 610, 215, and 717; Implementation of the Local Competition Portions of the Telecommunications Act of 1996*, NSD File No. L-97-42, CC Docket No. 96-98, ¶ 37 (Sept. 28, 1998) ("*Pennsylvania Order*"). See also *Proposed 708 Relief Plan and 630 Numbering Plan Area Code by Ameritech-Illinois*, 10 FCC Rcd 4596, ¶ 19 (1995) ("*Ameritech Order*") ("[t]he ready availability, and use, of numbering resources by communications services providers is essential if the public is to receive the communications services it wants and needs"); *Implementation of the Local Competition Provisions of the Telecommunications Act of 1996* (Second Report and Order and Memorandum Opinion and Order), 11 FCC Rcd 19392, ¶ 291 (1996) ("*Local Competition Second Report and Order*") ("federal numbering guidelines [are] designed to ensure the fair and
(Continued...)")

discrimination against wireless carriers in the allocation of numbering resources by limiting the availability of new numbers to LNP-capable carriers: “[T]he use of number pooling and transparent overlays unduly disfavored wireless and non-LRN capable carriers because it did not provide adequate assurances that those carriers would have access to numbering resources.”⁹

Thus, the Commission’s precedent clearly states that any numbering optimization measures must ensure that all carriers, regardless of the technology they utilize, have equal and unfettered access to the telephone numbers they need to meet the expanding needs of new and existing subscribers. Against this background, if the Commission chooses to implement an optimization measure that relies on local number portability, it must ensure that non-LNP capable carriers have access to alternative sources of telephone numbers.

III. SOME OPTIMIZATION MEASURES THAT AFFECT LOCAL CALLING SHOULD BE IMPLEMENTED, BUT A FEDERAL ROLE IS NECESSARY IN IMPLEMENTING THESE MEASURES

In the *Public Notice*, the Commission sought comment on number conservation measures that affect local calling areas, including extended local calling areas (“ELCAs”) and inconsistent rate centers (“IRC”), as well as on the proper federal role in implementing these measures.¹⁰

While PCIA is generally supportive of the ELCA concept, provided it is implemented as a carrier option, rather than as a mandate, it has some reservations regarding IRCs. If either measure is implemented, however, PCIA believes that the federal government must exert a strong and

(...Continued)
timely availability of numbering resources to all telecommunications carriers”).

⁹ *Id.*, ¶ 40.

¹⁰ *Public Notice* at 3-4.

unifying role in such implementation to ensure that numbering resources are being conserved without undermining competitive parity.

PCIA believes that if instituted on an optional basis, ELCAs are an optimization measure that can conserve numbering resources without favoring a certain class of carrier. As noted in the *NANC Report*, wireline-to-wireless ECLAs have been successfully utilized for a number of years.¹¹ Given this positive wireless-to-wireless experience, the Commission should take steps to facilitate the provision of wireline-to-wireline ELCAs by LECs. In so doing however, the Commission must ensure that: (1) LECs are not permitted to charge other carriers unreasonable rates for participating in ECLAs; and (2) ECLAs are not used as a mandatory method of providing area code relief.

IRCs can also conserve numbering resources and may promote competition. PCIA is concerned, however, that IRCs might be used by CLECs to obtain an unfair competitive advantage. PCIA believes that the public interest is served by allowing carriers to create rate centers that are sized to serve the particularized needs of their subscribers, thereby encouraging competition. It is critical, however that carriers not be permitted to misuse IRCs in order to create their own cache of telephone numbers. Specifically, it is possible that CLECs will develop IRCs solely to obtain proprietary access to numbering resources (*i.e.*, their own private number pool), and such hoarding of telephone numbers will ultimately result in less than desirable utilization. The FCC must therefore establish guidelines to ensure that IRCs are used properly.

¹¹ *NANC Report* at 25.

Regardless of the particular conservation method, however, PCIA believes that federal involvement in optimization measures that affect local calling areas serves the interest of both consumers and carriers because it ensures that uniform standards are applied in each state. Federal involvement is required for any optimization measure in order to ensure uniform standards and promote competition. Such uniformity makes it easier for consumers and businesses to move between the states, thereby encouraging nationwide commerce. Further, without consistent standards, manufacturers of network equipment will be forced to implement different technical solutions in different states, thereby significantly increasing costs.

IV. WHILE THERE ARE A NUMBER OF PRACTICAL CONCERNS REGARDING ALL OPTIMIZATION MEASURES THAT ARE LRN-BASED, INDIVIDUALIZED TELEPHONE NUMBER POOLING AND UNASSIGNED NUMBER PORTING ARE PARTICULARLY SUSPECT

In the *Public Notice*, the Commission sought comment on the use of the following number conservation methodologies: (1) individual telephone number pooling; (2) thousands block number pooling; (3) unassigned number pooling; and (4) location portability. The Commission went on to note that each of these measures is dependent on "the existing Local Number Portability ('LNP') architecture that utilizes LRN."¹² As described earlier in this pleading, the Commission must ensure that all carriers have access to an adequate supply of telephone numbers in a timely fashion. Therefore, LRN-based optimization methods are acceptable **only if they are** technology neutral and do not deprive non-LNP capable carriers of numbering resources.¹³

¹² *Public Notice* at 4.

¹³ *Pennsylvania Order*, ¶ 40.

Even beyond these competitive concerns, however, PCIA has a number of practical concerns involving LRN-based solutions. Preliminarily, while LRN-based solutions may offer more flexibility, it is important to note that a large number of carriers—both wireline and wireless—are not currently required to be LRN-capable, and may never be required to implement this capability.¹⁴ This is particularly true in the areas where the percentage of telephone number usage is low, such as rural areas. Therefore, the Commission should be aware that these LRN-based solutions might not conserve as many telephone numbers as it might appear upon first analysis.

Individual telephone number (“ITN”) pooling allows the sharing of telephone numbers on a number-by-number basis. Because initial descriptions indicate that extensive changes to numbering administration systems may be required in order to implement ITN pooling, PCIA believes that quantitative cost/benefit information should be analyzed prior to proceeding with this option. The telecommunications industry is just beginning to realize the full costs of number portability, and may soon have to implement thousands-block number pooling. Against this background, the telecommunications industry and regulatory agencies must look closely at the cost of ITN pooling prior to ordering its implementation, given that these costs will ultimately be borne by the end-user.

¹⁴ As described in note 5, assuming the FCC does not forbear from imposing number portability obligations on wireless providers, broadband CMRS providers will not be required to offer service provider portability until March 31, 2000. In addition, LECs are only required to implement LNP upon a *bona fide* request from another carrier, and LECs “with fewer than 2 percent of the Nation’s subscriber lines” can petition a state commission to modify or suspend the number portability requirements. *Telephone Number Portability*, CC Docket No. 95-116, FCC 98-82, ¶ 17 & n.63 (May 12, 1998) (Third Report and Order) (quoting 47 U.S.C. § 251(f)(2)).

Moreover, it is not clear what benefits ITN pooling offers as compared to thousands-block number pooling, which was endorsed in the *NANC Report*.¹⁵ In evaluating the benefits of ITN pooling, the *NANC Report* noted that ITN pooling potentially could lead to “an increased efficiency of NANP resource utilization.”¹⁶ Critically, however, the *NANC Report* did not claim that ITN pooling would result in any more efficient number utilization than thousands-block pooling.¹⁷ Further, until the current rate center paradigm is changed, a more granular level of pooling—such as ITN—will not necessarily improve number utilization, because carriers will still need telephone numbers in each rate center in order to properly bill their calls. Finally, as discussed in the *NANC Report*, ITN seems to propagate the opportunity to “mine” numbers (*i.e.*, attempt to obtain access to certain desirable telephone numbers) under the guise of more efficient number utilization.¹⁸

After adding up these costs, the Commission must weigh them against the benefits to the nation’s customers of implementing ITN pooling. Having done so, PCIA believes that it is not at all clear that the FCC will determine that the public interest benefits will outweigh the system additions and modifications required to bring this optimization measure on line. Whatever the result of this cost/benefit calculation, prior to implementing the more technically complex ITN

¹⁵ *NANC Report*, Recommendation (recommending that the “FCC focus its initial efforts on thousands-block pooling”).

¹⁶ *NANC Report* at 47.

¹⁷ See *NANC Report*, Attachment 3-3 (“Colorado Number Pooling Report”).

¹⁸ *NANC Report* at 58.

pooling, the Commission should allow the industry to "de-bug" thousands-block pooling and learn from this experience.

Regarding unassigned number porting ("UNP"), PCIA believes that this method does not merit serious consideration as a numbering optimization scheme because, according to the *NANC Report*, this type of porting will only be used in extreme jeopardy situations.¹⁹ Therefore, the Commission's focus should be on optimization methods that will break the cycle of constant NPA jeopardy and remedy the never ending NPA relief planning to which the industry is currently subject. Unassigned number porting will not break this cycle, and it does not appear to add anything of value to numbering relief except the ability for a carrier to get a particular number it wants from another carrier.

More particularly, as recognized in the *NANC Report*,²⁰ UNP also has a number of specific disadvantages. First, UNP, like ITN, seems to encourage the "mining" of numbers, as one carrier can take another carrier's desirable numbers without the other carrier's consent. Second, UNP will punish those service providers that have efficiently managed their numbering resources, while those carriers that have not managed well will be able to continue their mismanagement and still get telephone numbers, even in a jeopardy situation. Finally, because the effectiveness of unassigned number porting is based directly on the number of service providers participating in the scheme, if only a limited number of providers choose to take part in any given area, this method will only have a minimal impact on number exhaust.

¹⁹ *Id.* at 119 ("This Report focuses on the UNP implementation where available numbering resources have been depleted to the extent that individual SPs are otherwise unable to obtain TNs").

²⁰ *Id.* at 129-130.

V. THE IMPLEMENTATION OF NON-LNP BASED OPTIMIZATION MEASURES WILL ENHANCE THE EFFICIENCY OF TELEPHONE NUMBER USAGE WHILE AVOIDING DISCRIMINATION

The Commission further sought comment on the utilization of measures that do not require local number portability, including "a collection of administrative and technological methods related to the management of numbering resources."²¹ Because they optimize the utilization of telephone numbers, but do not discriminate against any particular segment of the telecommunications industry, PCIA endorses the non-LNP based optimization measures discussed in the *NANC Report*. In particular, PCIA supports implementation of mandatory ten-digit dialing and an appropriate modification of central office code assignment guidelines.

PCIA supports the national implementation of ten-digit dialing because it allows for the greater utilization of NXX codes by eliminating "protected" codes, which are a luxury the telecommunications industry can no longer afford. Critically, mandatory ten-digit dialing would have immediate positive results. In that regard, while the increased availability of numbering resources might not be substantial in every NPA, there are "protected" codes throughout the nation that would be freed for immediate use.

While the *NANC Report* mentions a number of potentially adverse impacts of mandatory ten-digit dialing, including consumer confusion and a need to reprogram CPE,²² these are one-time costs, and the state of Maryland has successfully implemented such a program on a

²¹ *Public Notice* at 4.

²² *NANC Report* at 154-155.

statewide basis.²³ This change in dialing patterns also makes it possible to overlay NPAs with only slight competitive impacts. Therefore, in evaluating whether the benefits of mandatory ten-digit dialing outweigh its costs, the Commission should look to Maryland's positive experience with this measure.

PCIA further supports the modification of central office code assignment guidelines in order to ensure the more efficient use of numbering resources. To this end, PCIA supports continued work on guidelines by industry groups, including the Industry Numbering Council ("INC") and the Numbering Resource Optimization Working Group ("NRO WG"). In particular, PCIA encourages INC to continue working on the jeopardy issue now before it as Issue 144, and agrees with NANC's direction to INC to incorporate the NRO WG aging document into the applicable industry guidelines (Issue 149).

VI. THE COMMISSION SHOULD IMPROVE DATA COLLECTION ON NUMBERING RESOURCES WHILE PROTECTING CARRIER CONFIDENTIALITY, AND SHOULD DEVELOP NEW DEFINITIONS FOR GEOGRAPHIC NUMBERS

Finally, the Commission requested input on how to improve data collection on numbering resource utilization, how to enforce these data collection requirements, and how to define certain terms related to number usage.²⁴ PCIA believes that an FCC rule is needed to govern the collection of numbering resource data, and if the data requests still are not submitted, it may be necessary take stronger measures.

²³ See Larry Luxner, "A new battlefield: Lockheed Martin takes over contentious numbering and area code system," *Telephony* (April 6, 1998). Colorado, Virginia, and Texas have also implemented ten-digit dialing.

²⁴ *Public Notice* at 5-7.

PCIA further supports using NANPA as the single point of collection for telephone number usage and forecast data. If there is a request for data by a state, NANPA should be permitted to provide the data only in its aggregate form without identifying the specific carrier. The data to be supplied should be the most recent usage and forecast data, and the carrier should not be required to collect new data to meet this request. Further, the carrier whose data is being supplied must be notified of the request, and certain confidentiality rules must be followed. In particular, due to the highly sensitive nature of the data being requested, the state requesting the information should be able to prove beyond a reasonable doubt that it has non-disclosure and protective agreements in place. If a state violates this rule and does release the proprietary information, no further information should be provided to the offending state.

Regarding the definitional issues, PCIA does not support the reuse of the toll free definitions of the terms "assigned," "reserved," "aging," and "working" for geographic telephone numbers.²⁵ While it is important to have consistency across the industry under some circumstances, in this case, the toll free numbering environment is sufficiently different from the geographic numbering environment to warrant a unique set of definitions for each type of telephone number. PCIA therefore supports the Industry Numbering Committee work currently underway to establish definitions for geographic numbers, and encourages both state and federal regulators to provide input.

²⁵

See 47 C.F.R. § 52.103.

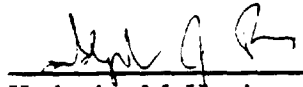
VII. CONCLUSION

PCIA endorses the Commission's efforts to ensure the more efficient allocation of numbering resources within the North American Numbering Plan, thereby preventing premature and unnecessary NPA exhaust. Such conservation measures will also help to ensure that all carriers have an adequate supply of telephone numbers, which will encourage competition in the telecommunications industry. In its efforts to optimize number utilization, however, the Commission must make sure that number conservation does not serve as a substitute for *bona fide* area code relief when such relief is necessary.


Respectfully submitted,

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December 21, 1998